



BellSouth Telecommunications, Inc.
333 Commerce Street, Suite 2101
Nashville, TN 37201-3300

guy.hicks@bellsouth.com

Guy M. Hicks
General Counsel

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615 214 6301
Fax 615 214 7406

VIA HAND DELIVERY

David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Re: *Rulemaking to Amend Slamming Rules*
Docket No. 00-00983

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of BellSouth's Comments.
Copies of the enclosed are being provided to counsel of record.

Very truly yours,

Guy M. Hicks

GMH:ch
Enclosure

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

In re: *Rulemaking to Amend Slamming Rules*
 Docket 00-00983

COMMENTS OF BELL SOUTH TELECOMMUNICATIONS, INC.

BellSouth Telecommunications, Inc. ("BellSouth") respectfully submits the following suggested revisions to the proposed amendments to Rule 1220-4-2-.56, Verification of Orders for Changes of Long Distance Carriers.

First, although the proposed amendments hinge on the idea of an "asset transfer," there is no definition of "asset transfer" in the TRA's rules and regulations. Moreover, the proposed amendments clearly are directed only toward the transfer of a carrier's customer base. BellSouth, therefore, proposes eliminating the term "asset transfer" as it appears in the proposed amendments and replacing it with an appropriate reference to the transfer of a customer base.

Additionally, BellSouth proposes the following revisions to the proposed amendments:

1220-4-2-.56(2)(d)(1). The acquiring company has submitted a copy of its petition to the Federal Communications Commission ~~has issued an for an order granting a waiver of its Slamming Rules for the particular asset customer base transfer. transaction.~~

Instead of submitting a copy of the FCC order granting a waiver of its slamming rules, an acquiring carrier should submit a copy of the carrier's petition for an FCC waiver to

the TRA. Requiring an acquiring carrier to wait until the FCC issues an order to begin a second administrative approval process at the state level is unduly burdensome to the carrier and the associated delay could harm the customers of the acquired carrier.

~~1220-4-2-.56(2)(d)(2). A notification letter, pre-approved by the Authority, is mailed by U.S. First Class Postage by the carrier currently serving the customer describing the asset transfer and explaining to the customer that his/her local and/or long distance service will be transferred to the acquiring company by a date certain if the customer fails to select another provider. This customer notification shall be mailed to the customer no less than thirty (30) days prior to the actual asset transfer.~~

Compliance with the requirements imposed by the FCC in its order addressing the acquiring company's petition for a waiver of the FCC's slamming rules will sufficiently protect the public. Imposing additional requirements at the state level is unnecessary.

~~1220-4-2-.56(2)(d)(3). The acquiring carrier agrees to pay wave any fees charged to the customer associated with changing to a new carrier from the acquired carrier to the acquiring carrier. The notification letter required in 1220-4-2-.56(2)(d)(2) shall inform the customer of this provision.~~

Assume that Carrier A's customer base is acquired by Carrier B. Rather than going with Carrier B, a customer of Carrier A could elect to switch to Carrier C (which is not a party to the transfer of the customer base). If the customer makes that decision, Carrier B should not be required to pay any "change charge" that may be imposed by Carrier C. The language of the proposed amendments, however, would appear to require Carrier B do pay those change charges.

BellSouth believes that the intent of the proposed amendments is to ensure that a customer of Carrier A who decides to stay with Customer B after the transfer is

complete is not subjected to any "change fees" as a result of the customer base transfer. BellSouth's proposed revisions effect that result. In other words, under BellSouth's proposed revisions, a customer of Carrier A would not pay any "change charges" if he becomes a customer of Carrier B as a result of Carrier B's acquiring the customer base of Carrier A.

~~1220-4-2-.56(2)(d)(4). The acquiring carrier agrees to not exceed the rates charged by the acquired carrier for a period not less than ninety (90) days after which any rate increase shall require thirty (30) days written notice, pre-approved by the Authority, to each affected customer explaining the increase. The notification letter mentioned in 1220-4-2-.56(2)(d)(2) shall inform the customer of this provision.~~

This subsection of the proposed amendment is unnecessary and likely will create two different classes of customers when they are, in fact, similarly situated. Any freeze on rates after the transfer is complete would discriminate against the acquiring carriers' customers, who would be paying different rates and would be subject to different notice requirements than the customers of the carrier acquired.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.

By: 

Guy M. Hicks
333 Commerce Street, Suite 2101
Nashville, Tennessee 37201-3300
(615) 214-6301

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